

JC19 Rec'd PCT/PTO 3 1 MAY 2001

FORM PTO-1390 US DEPARTMENT OF COMMERCE  
REV. 5-93 PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEYS DOCKET NUMBER

**P01,0182**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

**09/857084**

INTERNATIONAL APPLICATION NO.  
**PCT/EP99/09497**

INTERNATIONAL FILING DATE  
**04 DECEMBER 1999**

PRIORITY DATE CLAIMED  
**04 DECEMBER 1998**

TITLE OF INVENTION

**METHOD OF MONITORING FOR AVAILABILITY OF A SYSTEM FUNCTION IN A COMPUTER SYSTEM**

APPLICANT(S) FOR DO/EO/US

**Jürgen NIESSEN et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
  2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
  3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay.
  4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
  5. A copy of International Application as filed (35 U.S.C. 371(c)(2)).
    - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ has been transmitted by the International Bureau.
    - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
  6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
  7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. §371(c)(3))
    - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
    - b. ☐ have been transmitted by the International Bureau.
    - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
    - d. ☒ have not been made and will not be made.
  8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
  9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
  10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern other document(s) or information included:**
11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98; **(PTO 1449, Prior Art, Search Report, one Reference)**.
  12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.  
**(SEE ATTACHED ENVELOPE)**
  13. ☒ Amendment "A" Prior to Action and Appendix "A".  
☐ A SECOND or SUBSEQUENT preliminary amendment.
  14. ☒ A substitute specification and substitute specification mark-up.
  15. ☒ A change of address letter attached to the Declaration.
  16. ☒ Other items or information:
    - a. ☒ Submission of Drawings, one sheet of drawings, Figs. 1-2
    - b. ☒ Appointment of Associate Power of Attorney
    - c. ☒ EXPRESS MAIL #EL 843728265 US dated May 31, 2001

U.S. APPLICATION NO. (if known) <b>09/857084</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP99/09497</b>		ATTORNEY'S DOCKET NUMBER <b>P01,0182</b>	
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<b>17. <input checked="" type="checkbox"/> The following fees are submitted:</b>  <b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b> Search Report has been prepared by the EPO or JPO \$860.00  International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) \$690.00  No international preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but international search fee paid to USPTO (37 C.F.R. 1.445(a)(2)) \$710.00  Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO \$1000.00  International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b></div>				CALCULATIONS		PTO USE ONLY	
				\$ 860.00			

Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).				\$			
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Claims	Number Filed	Number Extra	Rate		
Total Claims	10 - 20 =	0	X \$ 18.00	\$	
Independent Claims	06 - 3 =	3	X \$ 80.00	\$ 240.00	
Multiple Dependent Claims			\$270.00 +	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1100.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 C.F.R. 1.9, 1.27, 1.28)				\$	
<b>SUBTOTAL =</b>				\$ 1100.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 1100.00	
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property +					
<b>TOTAL FEES ENCLOSED =</b>				\$ 1100.00	
				Amount to be refunded	\$
				charged	\$

a. ☒ A check in the amount of \$ 1100.00 to cover the above fees is enclosed.


b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **50-1519**. **A duplicate copy of this sheet is enclosed.**

**NOTE:** Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

**SCHIFF HARDIN & WAITE**  
**PATENT DEPARTMENT**  
**6600 Sears Tower**  
**233 South Wacker Drive**  
**Chicago, Illinois 60606-6473**

  
 SIGNATURE      MARK BERGNER      (REG. NO. 45,877)

DATE: May 31, 2001

**CUSTOMER NUMBER 26574**

09/857084

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**CERTIFICATE OF MAILING BY EXPRESS MAIL**

**Express Mail Mailing Label Number EL 843728265 US**

**Date of Deposit: May 31, 2001**

I hereby certify that this correspondence is being deposited with the United States Postal "Express Mail Post Office to Addressee" service under 37 CFR 1.10(c) on the date indicated above and is addressed to:

**BOX PCT  
Assistant Commissioner for Patents  
Washington DC 20231**

**Case Number: P01,0182  
Applicant(s): Jürgen NIESSEN et al**

**International Application No. PCT/EP99/09497  
International Filing Date 04 December 1999  
Priority Date Claimed 04 December 1998**

**Title: Method of Monitoring for Availability of a System Function  
in a Computer System**

**Enclosed are the following documents:**

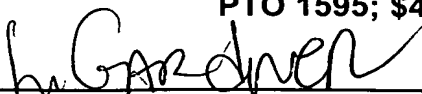
International application as filed;  
English Translation;  
Executed Declaration;  
Change of Address form for Applicants' Representative;  
Associate Power of Attorney;

PTO 1390 in duplicate;  
Preliminary Amendment A Prior to Action and Appendix A;  
Information Disclosure Statement, PTO 1449, Search Report, One Reference;

Submission of Drawings, one sheet of drawings, Figs. 1-2;  
Substitute Specification and Substitute Specification mark-up;

Fee: \$1100.00  
Postcard.

**(See attached envelope for Executed Assignment;  
PTO 1595; \$40.00 filing fee; Postcard)**



Signature of person mailing documents and fees